

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ADAM RANDOLPH POWELL,

Plaintiff,

v.

JEFF LYNCH, et al.,

Defendants.

No. 2:23-cv-00875-DC-DMC (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANTS' MOTION TO DISMISS
WITH LEAVE TO AMEND

(Doc. Nos. 21, 29)

Plaintiff Adam Randolph Powell is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 23, 2024, the assigned magistrate judge issued findings and recommendations recommending that Defendants' motion to dismiss (Doc. No. 21) be granted and that Plaintiff's complaint be dismissed with leave to amend. (Doc. No. 29.) The findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 8.) To date, no objections to the findings and recommendations have been filed, and the time in which to do so has now passed.

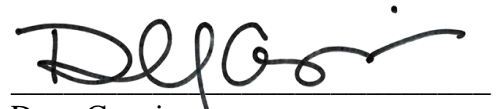
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and by proper analysis.

Accordingly:

1. The findings and recommendations issued on September 23, 2024 (Doc. No. 29) are adopted in full;
2. Defendants' motion to dismiss (Doc. No. 21) is granted;
3. Plaintiff's complaint is dismissed, with leave to amend;
4. Within thirty (30) days from the date of this order, plaintiff may file a first amended complaint; and
5. This action is referred back to the assigned magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: **November 7, 2024**


Dena Coggins
United States District Judge